

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiff,

v.

GINA RAIMONDO, *et al.*,

Defendants.

No. 1:20-cv-00431-JLT-EPG

ORDER CONTINUING STAY AND
OPERATION OF 2023 IOP
PROVISIONS THROUGH MARCH 31,
2024

THE CALIFORNIA NATURAL
RESOURCES AGENCY, *et al.*,

Plaintiffs,

v.

GINA RAIMONDO, *et al.*,

Defendants.

No. 1:20-cv-00426-JLT-EPG

ORDER CONTINUING STAY AND
OPERATION OF 2023 IOP
PROVISIONS THROUGH MARCH 31,
2024

The above-captioned cases already resulted in remand without vacatur of several highly complex environmental documents related to the Coordinated Long-Term Modified Operations of the Central Valley Project (CVP) and State Water Project (SWP). (Doc. 395.¹) While remand

¹ Unless otherwise indicated, all docket references are to filings in *Pacific Coast Federation of Fishermen's Associations v. Ross*, 1:20-cv-00431-DAD-EPG.

1 progresses, the Court stayed both cases and ordered implementation of measures set forth in an
2 Interim Operations Plan (IOP) proposed by Federal Defendants and State Plaintiffs through
3 September 30, 2022. (Docs. 394, 395.) After the 2022 IOP expired, the Court, at Federal
4 Defendants' and State Plaintiffs' request and after considering the targeted objections of other
5 parties, ordered implementation of a slightly modified IOP through December 31, 2023. (Doc.
6 462, 463.)

7 Understanding that the remand will not be completed until late in 2024, the Court recently
8 set a briefing schedule to allow Federal Defendants and State Plaintiffs to propose an IOP for
9 2024 and to permit objections thereto. (Doc. 479.) Pursuant to that schedule, to which all parties
10 generally consented, briefing will continue through early March 2024. (*Id.*) Given the obvious
11 gap in coverage between the December 31, 2023 expiration of the 2023 IOP and any likely ruling
12 on the proposed 2024 IOP, the Court indicated as follows in the scheduling order:

13 The Court tentatively believes it will be appropriate to continue
14 extend the operation of the 2023 IOP and the stay of this matter up
15 to and through the date on which the Court issues a ruling on whether
16 to adopt the Proposed 2024 IOP. The Court considers the November
17 30, 2023 Status Report filed by Federal Defendants and State
18 Defendants to be a formal request from those parties to issue such a
ruling. If any party has an objection to such an extension, they should
notify the Court of the reasons for such an objection on or before
December 19, 2023. [¶] As the Court has explained previously:
“Nothing precludes any party from seeking injunctive relief during
the pendency of a stay.”

19 *Id.* at 3.

20 Only one set of parties, the Sacramento River Intervenors, objected conditionally to
21 extending the stay through the date on which the Court issues a ruling on the 2024 IOP. (Doc.
22 481.) These intervenors generally object that the moving parties had not yet demonstrated that the
23 extension is “fair, reasonable and equitable and does not violate the law or public policy” under
24 currently existing conditions. (*Id.* at 2.) Nonetheless, the Sacramento River Intervenors do not
25 object to the Court extending the 2023 IOP through March 31, 2024. (*Id.*) The Court finds it
26 unnecessary to engage in a dispute that may ultimately prove immaterial. Therefore, the Court
27 enters the following order based upon all parties’ apparent agreement:

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1. With the exception of the briefing schedule and related instructions entered on December 14, 2023 (Doc. 479), this case will remain stayed through March 31, 2024 or until the Court issues a ruling on the 2024 IOP, whichever is sooner.
2. The 2023 IOP, ordered on February 28, 2023 (Doc. 463), shall remain in place and in force through March 31, 2024 or until the Court issues a ruling on the 2024 IOP, whichever is sooner.
3. Depending on the state of the case after briefing closes on the 2024 IOP request, the Court may request further briefing on the March 31, 2024 expiration date of the stay and present IOP provisions.

IT IS SO ORDERED.

Dated: December 28, 2023

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE